

**Filed 10/16/07 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2007 ND 155

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State of North Dakota,

Plaintiff and Appellee

v.

Mark Knight,

Defendant and Appellant

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No. 20070047

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Appeal from the District Court of Barnes County, Southeast Judicial District,  
the Honorable John T. Paulson, Judge.

AFFIRMED.

Per Curiam.

Bradley A. Cruff (on brief), State's Attorney, Courthouse, 230 Fourth Street  
NW, Room 301, Valley City, N.D. 58072, for plaintiff and appellee.

Steven D. Mottinger (on brief), Johnson, Ramstad & Mottinger, PLLP, 15  
Ninth Street South, Fargo, N.D. 58103-1830, for defendant and appellant.

**State v. Knight**

**No. 20070047**

**Per Curiam.**

[¶1] Mark Knight appeals from a criminal judgment following a bench trial in which he was found guilty of gross sexual imposition, a Class A felony. Knight argues there was insufficient evidence to support a guilty verdict. He also argues the district court erred in failing to rule on a N.D.R.Crim.P. 29 motion for judgment of acquittal made at the close of the State's case-in-chief. We summarily affirm under N.D.R.App.P. 35.1(a)(3) and (7), holding there was sufficient evidence to support the conviction, and concluding any error in failing to rule on the Rule 29 motion was harmless in this case, because the State presented sufficient evidence to support a conviction in its case-in-chief. See State v. Olson, 244 N.W.2d 718, 721 (N.D. 1976) (if the evidence is sufficient to meet the standard under N.D.R.Crim.P. 29 when the State rests, "then any error in failing to rule promptly is harmless").

[¶2] Gerald W. VandeWalle, C.J.  
Dale V. Sandstrom  
Daniel J. Crothers  
Mary Muehlen Maring  
Carol Ronning Kapsner